## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:20-CT-3055-BO

DERWIN MCFADDEN #0494228,	)	
Plaintiff,	)	
riamum,	)	
v.	)	ORDER
SERGEANT JAMES, et al.,	)	
Defendants.	)	

Plaintiff has initiated a civil action in this court and has filed a motion to proceed in the district court without prepaying fees and costs [D.E. 2]. Plaintiff has demonstrated the requisite inability to pay such fees and the motion to proceed in the district court without prepaying fees and costs is ALLOWED, pursuant to 28 U.S.C. § 1915(a). Notwithstanding allowance of the motion, pursuant to 28 U.S.C. § 1915(b)(1) and (2), incarcerated plaintiffs who have initiated civil actions are required to pay the entire \$350.00 filing fee. This fee is to be collected in two stages. The prisoner immediately owes an initial partial filing fee, equal to 20 percent of the greater of (1) the average monthly deposits to the prisoner's trust fund account or (2) the account's average monthly balance for the six-month period immediately preceding the filing of the complaint. The remainder must be collected in monthly payments of 20 percent of the preceding month's income credited to the plaintiff's trust fund account.

In this case, the court finds that the plaintiff has no funds available from which to assess an initial partial filing fee. However, the appropriate officials at the correctional facility at which the plaintiff is incarcerated shall deduct monthly payments of 20 percent of the preceding month's income credited to the plaintiff's trust fund account, until the \$350.00 filing fee is paid in full.

If an inmate has been ordered to make payments in more than one action or appeal in the federal courts, the Prison Litigation Reform Act of 1995 calls for "monthly payments of 20 percent of the preceding month's income" simultaneously for each action pursued. Bruce v. Samuels, 136 S. Ct. 627, 632 (2016) (quoting 28 U.S.C. § 1915(b)(2)).

Payments must be made payable to "Clerk, U.S. District Court" and transmitted to:

U.S. District Court P.O. Box 25670 Raleigh, NC 27611 Attn: CRT Section

In the event the plaintiff is transferred to a different correctional facility, this financial responsibility must be transferred to the new correctional facility.

SO ORDERED, this1st day of April, 2020.

Robert B. Jones, Jr.

United States Magistrate Judge